



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: January 15, 2008  
Land Use Action Date: March 18, 2008  
Board of Aldermen Action Date: April 7, 2008  
90-Day Expiration Date: April 14, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Alexandra Ananth, Planner

A handwritten signature in black ink, appearing to be "AK", is written over the names of the staff members.

DATE: January 11, 2008

SUBJECT: Petition #392-07 to AMEND SPECIAL PERMIT/SITE PLAN APPROVALS nos. 469-79 and 467-79(3) to provide for a reduction of its parcel size by selling a 69,330 sq. ft. vacant portion of its property to the adjacent landowner and to waive requirements relative to encroachment within a setback and parking waivers of dimensions, maneuvering aisle width, and screening at 50 DUDLEY ROAD, Ward 8, NEWTON, on land known as Sec 82, Blk 4, Lot 33, containing approx 213,851 sf of land in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis, which may be useful in the special permit decisionmaking process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

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## **EXECUTIVE SUMMARY**

The Church in Newton is a religious non-profit entity located at 50 Dudley Road at Route 9. The petitioner has stated that the size of the congregation of this evangelical church has declined since the 1980s and the Church no longer needs all of the property it currently owns for its present or future use. Sale of some of its land may allow the existing institutional use to remain in its current location. The adjacent property owner has an interest in acquiring a portion of the property to maintain a buffer between the existing residence and the institution.

Nonprofit organizations are normally subject to Section 30-5(a)2), Administrative Site Plan Review. However, special permits issued prior to the administrative site plan review process (adopted in 1987), govern the subject site and authorized construction and use of land for religious purposes. A church, an assembly hall, and related accessory parking occupy the site. Board Order #469-79 included a condition that prohibited further subdivision of the site. Subsequent Board Orders #469-79(2) and #469-79(3) extended and further amended the initial board order and plans. The Church now seeks to amend Board Orders #469-79 and #469-79(3) in order to sell a portion of its land to the abutter at 100 Dudley Road. This will require deleting Condition #4 of BO #469-79 (prohibiting further subdivision of the site) and updating the site plan to reflect the reduced site with revised property lines. If approved as proposed, seven (7) parking stalls will be made nonconforming because they will be within the 40-foot side setback. The petitioner also seeks waivers to legalize these and various other nonconformities to the parking areas including dimensions of parking stalls, maneuvering aisle width, and landscape screening requirements.

The Church is a relatively low-intensity use, and the proposed site plan offers adequate and safe circulation for both vehicles and pedestrians. Planning Department staff has no concerns regarding the requested dimensional waivers for undersized stalls and maneuvering aisles, as they have existed for many years and have functioned well. The Planning Department suggests the petitioner consider shifting the proposed lot line in order to avoid parking stalls encroaching into the side lot line or consider a reduction of the number of stalls should the petitioner have any excess parking. The previous Board Order required landscape screening that is not in place, but is required in a location that will no longer be on the subject property if the revised site plan is approved. Since most of the parking areas are well screened from the public way or set back a great distance from adjacent structures, the Planning Department recommends the petitioner work with the immediate abutter to ascertain whether or not the abutter feels that additional screening is needed.

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### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

In reviewing this petition, the Board should consider whether:

- the Church campus, operated on a reduced site, will adversely affect the abutters or immediate neighborhood;
- the existing parking facilities and requested waivers will adversely impact vehicular or pedestrians safety; and
- the waiver of screening requirements will have a negative impact on abutting residential property.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Site Characteristics

The subject property consists of 213,851 sq. ft. (~4.9 acres) at 50 Dudley Road on the corner of Route 9. The property is improved with a residence, an assembly hall, four separate parking areas, a wood garage, a smaller tin shed, and a small children's play structure (not shown on plans). A board fence runs along the Boylston Street (Route 9) lot line and a stone wall runs along the Dudley Road frontage. It should be noted that Dudley Road is a scenic road and no changes to the stone wall in the right-of-way can be made without the review and approval of the City's Planning Board. There are four parking areas on the site; three are bituminous and one is gravel. None of the spaces are striped, although concrete curb stops help to delineate stalls locations.

The petitioner wishes to sell 69,330 sq. ft. (~1.6 acres) of its land to the residential abutter at 100 Dudley Road. The site at 100 Dudley Road contains 174,240 sq. ft. (4 acres) and is improved with a 2-story single-family residence (circa 1971) as well as an in-ground pool and tennis court. The portion of land proposed for sale is located along the southern portion of the site. This area gradually slopes up towards Dudley Road and contains a field with some fruit trees and is vacant of buildings. The acquisition of this parcel would give the abutter a total of 243,182 sq. ft, or approximately 5.6 acres.



*Area proposed for sale to abutter*

B. Neighborhood and Zoning

The subject property is located on this scenic road just south of Route 9 in a residential neighborhood zoned Single Residence 1. The neighborhood consists primarily of older style single-family dwellings, although there are some contemporary houses in the immediate neighborhood as well. Houses range from early 1900 capes and colonials to 1970s and 1980s modern contemporary style residences. Many of the lots in the immediate neighborhood are very large (1+ acre) and well landscaped. Immediately east of the subject property along Route 9 is a pocket of multi-family residences in a Multi-Residence 1 District.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

Due to difficult access to and from Dudley Road and its distance from residences, the Planning Department feels that this relatively low-intensity use is appropriate for the site. Lots in the area are generally large and consequently, the Church is fairly isolated from direct abutters. The capacity and use of the site is not expected to change in any way. The continued use of the subject site as a church on a reduced lot should not have any adverse affects on the neighborhood. Furthermore, the proposed reduction of the subject site may limit the ability to add parking on-site that would be required by a more intense institutional use and, thus, protect the neighborhood from possible impacts that could result from such intensification.

The proposed transfer of land to the abutter brings into question development opportunities on the abutting lot(s). If the Board approves this petition, the abutter at 100 Dudley Road will control over five acres of land and would meet the lot area and frontage requirements for up to two lots as of right. Under the reduced lot area and frontage provisions of Section 30-15(k), Open Space Preservation Development, 11 lots could be created by special permit if all other requirements could be met.

B. Parking

Board Order #469-79(3) approved a site plan authorizing a layout with 79 parking stalls, including a gravel overflow parking area containing 19 stalls. The proposed replacement site plan reflecting existing conditions also shows 79 parking spaces although the layout has changed slightly. The petitioner's attorney has stated that there is no change either in building capacity or in building use which would increase the required number of stalls. In order to conform with the currently proposed site plan the petitioner must sign handicap parking stalls, add a proposed one-way directional sign at the circle in front of the house, and realign bumper stops in order to help delineate proposed parking stalls. A small children's play area is on the land proposed for sale and should be removed prior to transfer of the property.

The previously approved plan also provided a bicycle parking rack for nine bicycles adjacent to Parking Area #2; however, there is not currently such a rack. The applicant is proposing to locate a bike rack behind parking area #3. The Planning

Department suggests the proposed rack be moved closer to the entrance to be more conveniently located to the assembly hall and to conform to the Zoning Ordinance.

Finally, as part of the proposed reduction to the lot and location of the new lot line the petitioner is seeking waivers to locate seven (7) parking stalls in the side setback that were previously not in the setback and will become nonconforming as a result of the location of the proposed property line.

C. Screening

Current plans show no perimeter screening of parking areas as required by the previous board order. Since the parking areas and structures on the site already exist and no material changes are proposed for them, the petitioner is requesting relief from the screening requirements including the planting of 12 pine trees shown on a portion of the land to be sold off that do not appear to have been installed. As most of the parking areas are well screened from the public way or set back a great distance from neighbors, the Planning Department recommends the petitioner work with the immediate abutter prior to the working session to ascertain if additional screening is needed.

Board Order #469-79(3), Condition #1(1)c. requires that "...subject to the approval of the Department of Planning and Development, additional landscaped areas shall be constructed and planted within each of the parking areas." The CZCO notes that currently submitted plans do not provide sufficient landscaping information to determine whether this condition has been satisfied. Again, the applicant may seek to amend the previously approved plan to reflect current landscape conditions.

IV. COMPREHENSIVE PLAN

The City's newly approved *Newton Comprehensive Plan* states that Newton's religious institutions own nearly 200 acres within the City and often contribute to the feeling of open space in a neighborhood. However, recent instability in these uses has shown that neighborhoods can no longer take for granted, the presence of these institutions and their unused land. The Planning Department notes that the impact on the neighborhood of a more intense institutional use could be more challenging than the potential residential development that could occur, should the Board choose to approve this petition. The *Comprehensive Plan* suggests seeking ways to meet shared opportunities between institutions and neighborhoods and the Planning Department feels that the division and sale of a portion of the Church's site may serve the interests of both parties, while allowing a low-intensity institutional use to remain in its current location.

V. TECHNICAL REVIEW

A. Dimensional Controls (Section 30-15)

The following table compares the existing and proposed site to the applicable dimensional controls for a Multi-Use Institution located in a Single Residence 1 District:

<b>Single Residence 1</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Area	50,000 s.f.	213,851 s.f.	144,521 s.f.
Setbacks			
Front	60 ft.	±54 ft.	±54 ft.
Side	40 ft.	±170 ft.	±45 ft.
Rear	40 ft.	±180 ft.	±180 ft.
Total Floor Area Ratio	0.2	NA	0.1
Building Height	36 ft.	< 36 ft.	< 36 ft.
Max. Number of Stories	3	2	2
Max. building lot coverage	30%	NA	9%
Min. amount of open space	30%	NA	70%

As illustrated above, the buildings on the site conform to all existing and reduced setback and dimensional requirements with the exception of the front setback. The setback from Route 9 to the assembly hall is 54 feet, which is less than the required 60 feet. However, as this condition pre-dates Section 30-15, Table 2, and is not altered by the proposed reduced site and is considered legally nonconforming.

#### VI. Parking Requirements (Section 30-19)

The following table compares the existing and proposed parking with Section 30-19, Parking and Loading Facility Requirements, of the City's Zoning Ordinance:

<b>Section 30-19</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Parking Requirement	79 stalls per BO#469-79	79	79
Min. Setbacks			
Front	60 ft.	50 ft.*	50 ft.*
Side	40 ft.	40 ft.	as close as 10 ft.
Rear	40 ft.	85 ft.	85 ft.
Min. Stall Length	19 ft. for perpendicular 21 ft. for parallel	17 ft. with 2 ft. overhang 21 ft. for parallel	17 ft. with 2 ft. overhang 21 ft. for parallel
Min. Stall Width	9 ft.	5 stalls 8.4 ft 9 stalls 8.7 ft.	5 stalls 8.4 ft 9 stalls 8.7 ft.
Driveway Width	20 ft.	20 ft.	20 ft.
Min. Aisle Width	12 ft. one-way 20 ft. two-way	14 ft. one-way part of parking area #3 ~17 ft.	14 ft. one-way part of parking area #3 ~17 ft.
Handicapped Stalls	3	3	3
Handicap stall size	12 ft. x 19 ft.	12 ft. x 17 ft. + 2 ft. overhang	12 ft. x 17 ft. + 2 ft. overhang
Landscape Screen	3 ½ ft. evergreen	None	None

*\*This pre-dates Table 2, is not altered by the proposed reduced site plan and is considered legally nonconforming.*

Section 30-19(h)(1) provides that parking may not be located within the front and side setbacks. While the existing parking area at the northeast corner near Dudley Road is located within the 60 foot setback from Route 9, this condition pre-dates Table 2, is not altered by the proposed reduced site plan and is considered legally nonconforming. However, the proposed reduction of the site and related relocation of the side lot line to the south will cause the following existing parking stalls to encroach within the 40 ft. side:

- Parking area #3 – middle: spaces #25-27;
- Parking area #4 – gravel overflow area: spaces #9-12.

As a result, the applicant needs to obtain a waiver of the side setback requirement pursuant to Section 30-19(m) for the above referenced spaces.

In addition to the encroachments into the side setback, the CZCO notes that comparison of the previously approved parking layout with currently existing parking layout indicates various differences as to location, circulation, and parking stall sizes. Planning Department staff observed no striping of parking stalls and a single marked “HP” stall where three are indicated on plans. In addition, it is not clear that the two-foot gravel overhang area exists around the perimeters of parking areas #2 and #3, as shown on plans. A number of these differences trigger zoning considerations, in particular with respect to reduced parking stall sizes and reduced maneuvering aisle widths not previously approved. The applicant is now seeking to legalize these differences. Specifically in parking area #3, spaces #7-11 scale to approximately 8.4 ft. x 19 ft. and stalls #12-20 scale to 8.7 ft. x 19 ft; all are narrower than the required 9 x 19 ft. dimension for perpendicular parking. Maneuvering aisles scale to approximately 17 ft. in one area, narrower than the standard 24 ft. width for two-way movement required for perpendicular parking. The applicant will need to obtain waivers for these deficient stalls to allow them to remain.

## VII. Summary of Zoning Reliefs Sought

Based on the Chief Zoning Code Official’s zoning review dated December 4, 2007 (*SEE ATTACHMENT “A”*), the petitioner is seeking relief from or approval through:

- Section 30-19 (m) which allows the Board of Aldermen to grant a special permit for exceptions to the provisions of Section 30-19 Parking and Loading Facility Requirements including:
  - Section 30-19(h)(1) and 30-15, Table 2, for approval of waiver to allow stalls #25, 26, & 27 in parking area #3 to encroach within the 40 ft. side setback, for approval of waiver to allow stalls # 9-12 in parking area #4 to encroach within the 40 ft. side setback;
  - Section 30-19(h)(2)a)&b) for approval of waivers to reduce the width of parking area #3, perpendicular stalls #7-11 from 9 ft. to 8.4 ft., and stalls #12-20 from 9 ft. to 8.7 ft.;
  - Section 30-19(h)(3) for approval of waiver to allow reduced maneuvering aisle width for two-way movement within Parking area #3;

- Section 30-19(i)(1)a) to waive perimeter screening at the southern end of parking area #3;
- Section 30-23 and BO#469-79(3) Condition #1c(1) for approval of revised site plan reflecting existing conditions along with reduced site area and for approval of revised site plan reflecting existing landscaping conditions including elimination of perimeter screening at the southern end of parking area #3; and
- Section 30-24(d) and BO#469-79(3) Condition #1c(1) & Condition #4 for approval to substitute revised site plan
- Section 30-24(d) and BO#469-79(3), Condition #1c(1), for approval to delete Condition #4, which prohibits further subdivision of site and for approval of amended special permit

*NOTE: In his review, the CZCO cites a number of other required waivers that have been addressed in the most recently submitted plans.*

#### VIII. Summary of Petitioner Responsibilities

At the public hearing the Petitioner should be expected to respond to all issues raised in this memorandum by the Planning and Development Department. In particular, the petitioner should explain its reasoning for the new configuration of the lot and placement of property lines that create nonconformities.

#### **ATTACHMENTS:**

*ATTACHMENT A: Zoning Review Memorandum, December 4, 2007*

*ATTACHMENT B: Site Plan*

*ATTACHMENT C: Zoning Map*

*ATTACHMENT D: Land Use Map*



## ***Zoning Review Memorandum***

**Dt:** December 4, 2007

**To:** James T. Belliveau, representing The Church in Newton

**Fr:** Juris G. Alksnitis, Chief Zoning Code Official

**Cc:** Michael Kruse, Director, Department of Planning and Development  
John Lojek, Commissioner of Inspectional Services

**Re:** Petition to reduce site, amend site plan and special permit.

### **Applicant(s): The Church in Newton**

<b>Site:</b> 50 Dudley Rd.	<b>SBL:</b> Section 82 Block 04, Lot 33
<b>Zoning:</b> SR-1	<b>Lot Area:</b> 213,841 sq. ft. -- current 144,521 sq. ft. -- proposed
<b>Current use:</b> Church campus	<b>Prop. use:</b> Church campus on reduced site.

### **Background:**

Upon petition of The Church in Newton (hereafter Church), the Board of Aldermen granted Board Order #469-79 approving a site plan including an assembly hall and related parking subject to various conditions, including Condition #4, which prohibited further subdivision of the site. Subsequent board orders #469-79(2) and #469-79(3) extended and further amended the initial board order and plans. As the Church now seeks to sell a portion of its land to the abutter at 100 Dudley Rd., this necessitates amendment of the special permit and related site plan.

### **Administrative determinations**

1. The applicant is a religious non-profit entity normally subject to Section 30-5(a)2) administrative site plan review. However, the subject site is governed by special permits issued prior to the adoption of administrative site plan review in 1987. As the Church now seeks to sell a portion of its land to the abutter at 100 Dudley Rd., this necessitates amendment of the governing special permit(s) to delete Condition #4 prohibiting further subdivision of the site, and also amendment of the related site plan to accommodate reduction of the site.
2. Submitted plans show that the purchaser's lot at 100 Dudley Rd. contains a dwelling with an addition located 17.5 ft. from the side lot line on the south side. This appears inconsistent with ISD file records, which indicate distances of 20 - 25 ft. While a pre-53 lot in the SR-1 zone requires a side setback of 12.5 ft., in the event the lot is a post-53 lot, a 17.5 ft. side setback would be noncompliant. As the proposed expansion of the abutting lot is intended to occur on the opposite side, this dimension would not be affected. It is suggested this matter be clarified by the abutter to ensure conformance with the Zoning Ordinance.

3. B.O. #469-79(3), Condition #2 states that “..there shall not be more than 240 persons on the site at any time.” The applicant’s attorney represents that since 1980, the congregation has decreased from about 200 to 100 today. In addition, the applicant states that the capacity and use of buildings have not changed since approval. No part of the campus is used for childcare, pre-school or kindergarten or church school, other than on Sundays, as accessory to congregational programs and needs. The applicant is responsible for providing the Board of Aldermen such information as the Board may request in order to make a determination, whether the proposed reduced site along with current building capacity and use will accommodate the future operations and needs of the Church without detriment to the neighborhood.
4. Section 30-15, Table 2, *Dimensional Regulations for Religious and Non-Profit Educational Uses* was adopted in 1987 and sets out the applicable dimensional controls applicable to religious institutions. The Church is deemed a multi-use institution per the definition contained in *Section 30-1, Definitions, Multi-use Institution*. The SR-1 multi-use institution parameters of Table 2 would apply to the Church within the proposed reduced site. As shown on submitted revised plans, the Church does not meet Table 2 requirements in one respect. The setback from Rt. 9 to the assembly hall is 54 ft., which is less than the required front setback of 60 ft. As this condition pre-dates Table 2 and is not altered the by proposed reduced site plan, this setback is considered legal non-conforming.
5. Record plans associated with in B.O. #469-79(3), are those referenced within Condition #1c, and such subsequent plans as provided by the applicant in order to execute conditions required by the special permit as found in Conditions #1c(1)a-c, and #5a. Records indicate that the Director of Planning and Development filed a letter dated March 29, 1982 with the City Clerk, approving a plan titled “Site and Grading Plan the Church in Newton Meeting Hall”, dated Nov. 1979, and revised 10/1/80 and 3/20/82. However, neither the applicant, who checked Church records, nor the City, which conducted an archival search, has been able to locate this plan. Comparison of the available plan of record, dated Nov. 1979 with the currently submitted site plan indicates a number of existing conditions, which vary from the approved plans. These include drives, circulation pattern, location of permanent and overflow parking, and bicycle rack, among others. The applicant’s attorney has indicated that other than the proposed reduction of site area the existing conditions are to be the final site conditions. As a result, the petitioner needs to obtain Board of Alderman approval of the most current site plan in place of the plan of record referenced in Board Order 469-79(3).
6. Certain accessory buildings, not indicated on the approved site plan appear on the currently submitted revised site plan. A wood garage and smaller tin accessory building are located closer than 60 ft. from the Rt. 9 lot line, encroaching on the front setback. While there appears to be no record of a building permit for either structure, the applicant has provided an affidavit dated November 21, 2007, indicating that these accessory buildings were put up in 1980. As this precedes the adoption of Section 30-15(m) regulating accessory buildings on Dec. 6, 1999, these buildings are considered legal non-conforming.

7. *Section 30-19(d), Number of Parking Stalls*, establishes the required number of parking spaces. In this case, Board Order #469-79(3), Condition 1c(1), approved a substitute "Site and Grading Plan", which authorized a layout with 79 parking spaces (excluding 4 spaces along the front drive deleted per B.O. #469-79, Cond. #1a), including a gravel overflow parking area containing 19 spaces. The proposed replacement site plan reflecting existing conditions also shows 79 parking spaces, including 22 spaces in the gravel overflow parking area. As the applicant's attorney has stated that there is no change either in building capacity or in building use (see Section 3., above) it appears that there are no factors at this time, which would increase the required number of parking spaces.
8. *Section 30-19(h), Design of Parking Facilities*, establishes the applicable design and layout criteria. Section 30-19(h)(1) provides that parking may not be located within front and side setbacks. While the existing parking area at the northeast corner near Dudley Rd. is located within the 60 ft. setback from Rt.9, this condition pre-dates Table 2, is not altered by the proposed reduced site plan, and is considered legal non-conforming. However, the proposed reduction of the site and related relocation of the side lot line to the south will cause a number of existing parking spaces to encroach within the 40 ft. side setback as follows:
- Parking area (1) – front circle: space #6
  - Parking area (3) – middle: spaces #25, 26 & 27
  - Parking area (4) -- gravel overflow area: spaces #9,10,11 & 12

As a result, the applicant needs to obtain a waiver of the side setback pursuant to Section 30-19(m) for the above-referenced spaces.

9. In addition, comparison of the previously approved parking layout with currently existing parking layout indicates various differences as to location, circulation and parking stall sizes. A site visit disclosed that no parking stall striping exists currently, nor are HP stalls marked. In addition, it is not clear that the 2 ft. gravel overhang area shown on prior approved plans around the perimeters of Parking areas (2) and (3) currently exists. Although included in the previous measurement of parking stall length, as overhang areas are not shown on current plans, this results in shorter stalls.

A number of these differences trigger zoning considerations, in particular with respect to reduced parking stall sizes and reduced maneuvering aisle widths not previously approved. Dimensions below are estimates based on plan scale. The applicant is responsible for providing the necessary dimensions.

- Parking area (1) – spaces #1 & 2 scale to 9ft. x 18ft., and spaces #4-6 scale to 9 ft. x 19 ft., all short of the required 9ft. x 21ft. dimension for parallel parking. Maneuvering aisle width is only 14 ft. at the narrowest point, short of the 20 ft. minimum for two-way movement, but would meet the 12 ft. width applicable to parallel parking with one-way movement. No directionals are provided.
- Parking area (3) – spaces #7-11 scale to 8.4 ft. x 19 ft., and spaces #12-20 scale to 8.7 ft. x 19 ft., all narrower than the required 9 ft. x 19 ft. dimension for perpendicular parking. Maneuvering aisles scale to 20 ft. wide throughout,

narrower than the standard 24 ft. width for two-way movement required for perpendicular parking.

- Parking area (4) – All spaces #1-22 scale to 18 ft. lengths, short of the required 19 ft. length for perpendicular parking.

As the above scaled stall sizes and maneuvering aisle widths are less than the corresponding dimensions approved previously, and as these dimensions are less than the applicable standards established in Section 30-19(h), the applicant needs to obtain waivers pursuant to Section 30-19(m).

10. *Section 30-19(i), Landscaping*, establishes the applicable landscaping requirements for parking facilities of this size. In addition, the previously approved plan provided a buffer of 12 Mugo Pine at the southerly end of Parking area (3). Current plans show no perimeter buffer, as verified in the field. The applicant is responsible for providing this or an equivalent buffer, which meets the perimeter screening requirements of Section 30-19(i)(1). In addition, B.O. #469-79(3), Cond. #1c(1)c requires that “..subject to approval of the Department of Planning and Development, additional landscaped areas shall be constructed and planted within each of the parking areas.” Currently submitted plans do not provide sufficient landscaping information to determine whether this condition has been satisfied. Alternatively, the applicant may seek to amend the previously approved plan or modify Cond. #1c(1)c subject to approval of the Board of Aldermen.
11. *Section 30-19(k), Bicycle Parking Facilities*, establishes the applicable bicycle parking requirements. In addition, the previously approved plan provided a bicycle rack for 9 bicycles adjacent to Parking area (2). While this meets and exceeds the required minimum number of 8 bicycle spaces applicable in this case, current plans show no bicycle parking, as confirmed by a field visit. The applicant is responsible for providing the required bicycle parking, or the applicant may seek to amend the previously approved plan in conjunction with a waiver pursuant to Section 30-19(m).
12. The submitted site plan lacks the stamp or signature of a registered professional as noted in Materials and Plans Reviewed, below. The applicant is responsible for providing stamped and signed plans not later than at the time of filing the petition with the Clerk of Board of Aldermen.
13. The petitioner and abutter are responsible for meeting the requirements of *Section 20-40, Regulation of Perimeter Fences*, to the extent applicable to any fences proposed as part of the site alterations.
14. See “Zoning Relief Summary” below.

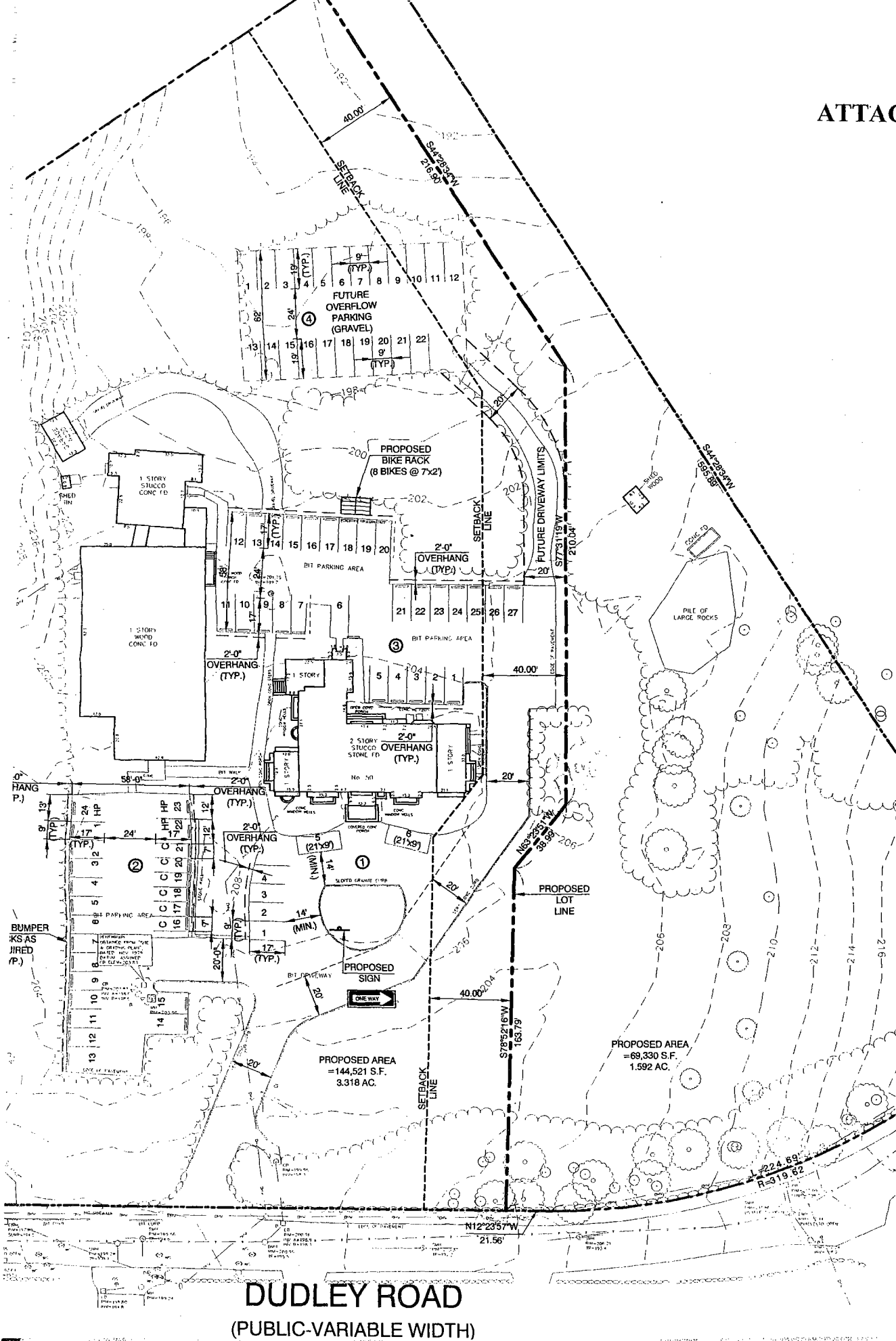
<b>Zoning Relief Summary</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Building</b>	N/A
	N/A	
	<b>Nonconformity</b>	N/A
30-21(b) 30-15, Table 2	N/A	

<b>Zoning Relief Summary (cont.)</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Parking</b>	
30-19(h)(1) 30-15, Table 2 30-19(m)	Approval of waiver to allow Parking area (1) parking space #6 to encroach within 40 ft. side setback.	X
30-19(h)(1) 30-15, Table 2 30-19(m)	Approval of waiver to allow Parking area (3) parking spaces #25,26 & 27 to encroach within 40 ft. side setback.	X
30-19(h)(1) 30-15, Table 2 30-19(m)	Approval of waiver to allow Parking area (4) parking spaces #9 - 12 to encroach within 40 ft. side setback.	X
30-19(h)(2)a)&b) 30-19(m)	Approval of waivers to reduce length of Parking area (1) parallel spaces #1 and #2 from 21 ft. to 18 ft. (See Sec. 9)	X
30-19(h)(2)a)&b) 30-19(m)	Approval of waivers to reduce length of Parking area (1) parallel spaces #3 - #6 from 21 ft. to 19 ft. (See Sec. 9)	X
30-19(h)(2)a)&b) 30-19(m)	Approval of waivers to reduce width of Parking area (3) perpendicular spaces #7 - #11 from 9 ft. to est. 8.4 ft. (See Sec. 9)	X
30-19(h)(2)a)&b) 30-19(m)	Approval of waivers to reduce width of Parking area (3) perpendicular spaces #12 - #20 from 9 ft. to est. 8.7 ft. (See Sec 9)	X
30-19(h)(2)a)&b) 30-19(m)	Approval of waivers to reduce length of Parking area (4) perpendicular spaces #1 - #22 from 19 ft. to est. 18 ft. (See Sec. 9)	X
30-19(h)(3) 30-19(m)	Approval of waiver to allow reduced maneuvering aisle width of 14 ft. for two-way movement at circle in Parking area (1). (See Sec.9)	X
30-19(h)(3) 30-19(m)	Approval of waiver to allow reduced maneuvering aisle width of 20 ft. for two-way movement within Parking area (3). (See Sec. 9)	X
30-19(i)(1)a) 30-19(m)	Approval to waive perimeter screening at the southern end of Parking area (3). (See Sec. 10)	X
30-19(k)(1)a) 30-19(m)	Approval to waive requirement for bicycle parking. (See Sec. 11)	X
	<b>Site</b>	
30-23 BO#469-79(3) Cond.#1c(1)	Approval of Revised Site Plan reflecting existing conditions along with reduced site area.	X
30-23 BO#469-79(3) Cond.#1c(1)	Approval of Revised Site Plan reflecting revised existing landscaping conditions, including elimination of perimeter screening at the southern end of Parking area (3), where previously required on prior approved plan.	X
30-23 BO#469-79(3) Cond.#1c(1)	Approval of Revised Site Plan reflecting elimination of bicycle parking from locus adjacent to Parking area (2), where previously required on prior approved plan.	X
	<b>Special Permit</b>	
30-24(d) BO#469-79(3) Cond.#1c(1)	Approval to substitute revised site plan, amending BO#469-79(3), Condition #1c(1).	X
30-24(d) BO#469-79(3) Cond. #4	Approval to delete Condition #4, which prohibits further subdivision of site.	X
30-24(d) BO#469-79(3)	Approval of amended Special Permit.	X

**Materials and plans reviewed:**

- BO#469-79, February 4, 1980, approving original plan.
- BO#469-79(2), August 11, 1980, extending #469-79.
- BO#469-79(3), October 20, 1980, amending #469-79, deleting Condition #3, and also substituting approved plans.
- Letter from Barry C. Canner, Director of Planning and Development, dated March 29, 1982, to Edward G. English, City Clerk
- Affidavit of Trustees of The Church in Newton, Nov. 21, 2007.
- Plan titled "#50-#100 Dudley Road, Plan of Land in Newton, MA (Middlesex County), dated August 14, 2007, prepared by Precision Land Surveying, Inc., 21 Turnpike Rd., Southborough, MA 01772, stamped and signed by Michael A. Pustizzi, Registered Professional Land Surveyor.
- Plan titled "The Church of Newton, 50 Dudley Rd., Newton, MA, Site Plan", Sheet 1 of 1, dated 11/21/2007, prepared by H.W. Moore Associates, Inc., 112 Shawmut Ave., Boston, MA 02118-2227, bearing no stamp or signature of a registered professional.
- Plan titled "Site and Grading Plan, The Church in Newton, New Meeting Hall", Sheet 1 of 2, dated Nov., 1979, stamped and signed by James Man Chu, Registered Professional Engineer.
- Plan titled "Utility Plan, The Church in Newton, New Meeting Hall", Sheet 2 of 2, dated Nov., 1979, stamped and signed by James Man Chu, Registered Professional Engineer.
- Plan titled "Site and Grading Plan, The Church in Newton, New Meeting Hall", Sheet C-1, dated Nov., 1979, last revised 1/1/82, bearing no stamp or signature of a registered professional.

# ATTACHMENT B



**DUDLEY ROAD**  
(PUBLIC-VARIABLE WIDTH)

# Zoning Map

50 Dudley Road  
Newton, MA

**Legend**

- Wetlands
- 50 Dudley Rd.
- Scenic Roads
- Building Footprints
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use

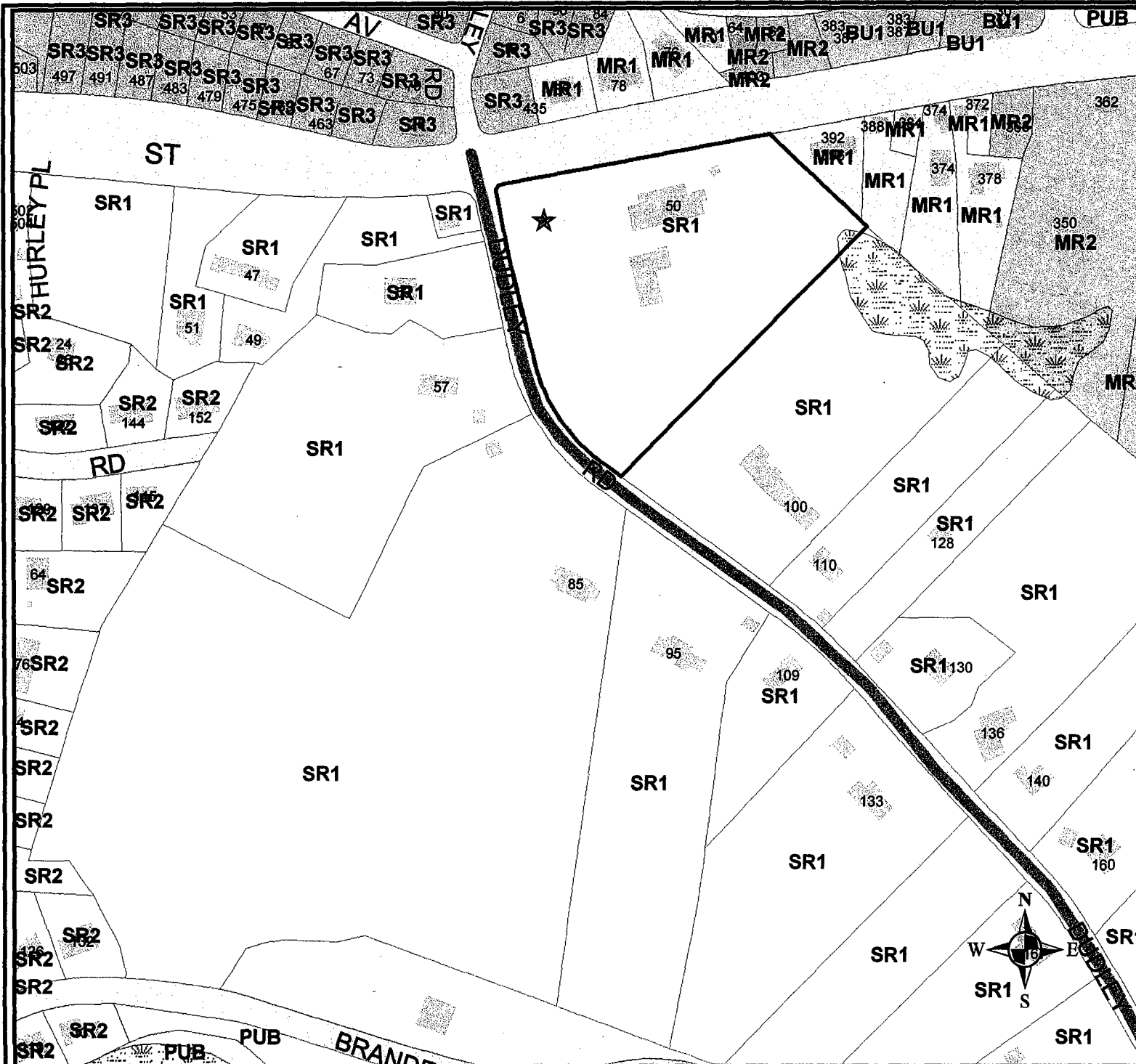


The information on this map is from the Geographic Information System (GIS). Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for his or her purpose. City departments will not review or approve applications based solely on this map.

0 50 100 200 300

MAP DATE: January 09, 201

ATTACHMENT C


















# Land Use Map

50 Dudley Road  
Newton, MA

## Legend

-  50 Dudley Rd.
-  Building Footprints
-  Single Family Residential
-  Multifamily Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Vacant Land
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Public Housing
-  Tax Exempt
-  Lakes & Rivers
-  Property Boundaries



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MAP DATE: January 09, 20

ATTACHMENT D

